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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,093	10/13/2005	Ruedi Leutert	27793-00103USPX	6622

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WINSTEAD SECHREST & MINICK P.C.  
P.O. BOX 50784  
DALLAS, TX 75201

EXAMINER
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GOLA, SANDEEP K

ART UNIT	PAPER NUMBER
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3636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/553,093		LEUTERT, RUEDI	
	<b>Examiner</b>		<b>Art Unit</b>	
	Sandeep Gola		3636	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/553,093.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>13 October 2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ability for the child seat to be stowed in an opening other than a backrest, including the side panel, door, vehicle floor, or backrest as described in claim 2 must be shown or the features canceled from the claim. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 2 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant claims that the child seat can be stowed in an opening that can be adapted to be arranged in a side pane, door, vehicle floor or armrest. However the applicant only explains in the specification how the child seat arranged in an opening in a backrest, and not in any of the other areas.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 8-10 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruhnke et al. (U.S. 5,516,188)

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Bruhnke discloses a child seat (1) for vehicles, comprising: an inflatable seating cushion (14); an inflatable back part (9); and wherein the seating cushion and the back part unfold automatically in the presence of pressurization (figure 5; Column 1, lines 26-30) and can be stowed in a vehicle interior in a space-saving manner in an essentially empty state (Column 2, lines 44 –46)

Bruhnke discloses a child seat for vehicles wherein the child seat can be stowed in an opening in the vehicle interior (Column 2, lines 54-56) and the opening is adapted to be arranged in: a backrest of a vehicle seat; a seating area of the vehicle seat; a side panel; a door; a vehicle floor; and an armrest.

Bruhnke discloses a child seat for vehicles wherein an opening can be closed with a closure element (4) in a flush and form-fit manner (Column 2, lines 42-46)

Bruhnke discloses a child seat for vehicles wherein the child seat can be emptied with a vacuum pump (Figures 3 and 5, item 7; Column 1, lines 46-51)

Bruhnke discloses a child seat for vehicles wherein the closure element is adapted to protect the child seat in the stowed, empty state (Column 1, lines 16-23); and wherein the closure element is connected detachably or permanently to an underside of a seating area (Figures 1 and 2, item 3) or a rear side of the back part of the child seat (2) and positions the child seat in an opened state.

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Bruhnke discloses a child seat for vehicles wherein the seating cushion (14) and the back part (9) are each separate air cushions which can be connected detachably to one another (Column 1, lines 33-34), or that the seating cushion and the back part are formed from a single air cushion.

Bruhnke discloses a child seat for vehicles wherein the detachable connections are produced with Velcro fastenings or press-studs.(Column 2, lines 47-53)

Bruhnke discloses a child seat for vehicles wherein the child seat is adapted to a child's physical dimensions by incorporating different sizes and shapes of the seating cushion and the back part (column 1, lines 19-25).

Bruhnke discloses a child seat for vehicles wherein a removable cover is fitted around the seating cushion and around the back part (Column 1, lines 62-65)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruhnke in view of Noble (U.S. 4,840,425). Bruhnke is described above yet fails to give disclose an envelope that projects as a pocket on the seating or backrest area. Noble discloses a child seat (20), wherein in a pressurised state of the child seat, a part of an envelope(72) projects as a pocket (74) into an opening and wedges and positions the child seat. Noble discloses a child seat for vehicles wherein the envelope is gas-tight (Column 2, lines 45-49) and has, in its interior, ribs (60 and 62) which give the envelope an external shape in the pressurised state (Figures 1 and 2). Noble discloses a child seat for vehicles wherein the envelope is made from a PU film or a PU-coated, PU-laminated or PU-flocked textile material (Column 3, line 45). ). It would have been obvious to one of ordinary skill in the are at the time of the invention to modify Bruhnke in view of Noble to have am inflatable seat wherein an envelope projects as a pocket and contains ribs that give shape to the seating and backrest surface.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruhnke in view of Artz (U.S. 5,292,176). Bruhnke is described above yet fails to disclose a recess for insertion of a seat belt. Artz discloses a child seat for vehicles wherein a recess (Figure 1, 96) is present on at least one side in a shoulder region of the child seat for wearing a three-point belt or the recess is provided on both sides of the shoulder region for wearing a four-point belt. (Column 8, lines 51-54). It would have been obvious to one of

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ordinary skill in the art at the time of the invention to modify Bruhnke in view of Artz To include a recess for a seat belt on the backrest to safely restrain the user.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruhnke in view of O'Neill et al (U.S. 5,678,891). Bruhnke discloses an inflatable seat but fails to provide details of the vacuum pump. O'Neill discloses an inflatable cushion comprising means for pressurisation and emptying of the child seat; said means comprising: a pressure gas store (83) a vacuum pump (84); and a directional control valve (89) which can be controlled with a pressure sensor (98) and a control console with at least one switch (82). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bruhnke in view of O'Neill to have a pressurization system comprise a sensor, gas store, valve, and switch.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandeep Gola whose telephone number is (572) 272-7751. The examiner can normally be reached on Monday through Friday, 9:00am to 5:30 pm.




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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**DAVID DUNN**  
**SUPERVISORY PATENT EXAMINER**